



# >  
Attorney Docket No.: AAM-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re-application: ) Examiner: Unknown  
Ricky T. Holder, et al )  
Serial No: 09/817,779 ) Art Unit: Unknown  
Filed: March 26, 2001 )  
For: Temporary Sign System )

**PETITION UNDER 37 C.F.R. § 1.47**

Dear Sirs:

Petition is hereby made pursuant to 37 C.F.R. § 1.47 for compliance with the Notice to File Missing Parts dated May 7, 2001 with respect to the above-captioned application, for one joint inventor to make application for patent on behalf of himself and on behalf of joint inventors who refuse to join in the application.

The application as originally filed in this matter, without deceptive intent, and filed without an executed oath or declaration, identified only Ricky T. Holder as an inventor. Pursuant to 37 C.F.R. § 1.48(f)(1) and MPEP 201.03, the herewith first submitted declaration, identifying Luther Kenneth Alexander, Lamar Merck, and Ricky T. Holder as inventors, is offered and urged to correct the earlier identification of inventorship.

Pursuant to 37 C.F.R. § 1.47, inventor Luther Kenneth Alexander signs the herewith submitted declaration on behalf of himself and on behalf of the other two co-inventors, Ricky T. Holder and Lamar Merck. Pursuant to this Petition,

12/19/2001 EDRAMA1 00000056 09817779

01 FC:122

130.00 CP

the herewith submitted affidavits of Patricia Alexander and Timothy D. St.Clair are offered and urged as proof of the pertinent facts that Ricky T. Holder and Lamar Merck have refused to join in the above-captioned application and have refused to sign an oath or declaration. Pursuant to MPEP § 409.03(a)(A), the attached declaration signed by Luther Kenneth Alexander with the signature blocks of the nonsigning inventors left blank is urged and offered to be treated as having been signed by Luther Kenneth Alexander on behalf of himself and on behalf of the nonsigning inventors.

Also submitted herewith is the fee set forth in 37 C.F.R. § 1.17(h).

Should any questions arise with respect to this Petition, officials of the Patent and Trademark Office are invited to contact the undersigned at their convenience, at (864) 271-1592.

Respectfully submitted,

December 7, 2001



\_\_\_\_\_  
Timothy D. St.Clair  
Reg. No. 48,316

DORITY & MANNING, ATTORNEYS AT LAW, P.A.  
55 Beattie Place, Suite 1600  
Greenville, South Carolina 29601  
(864) 271-1592



# 8  
Attorney Docket No.: AAM-3

In Re-application: ) Examiner: Unknown  
Ricky T. Holder )  
Serial No: 09/817,779 ) Art Unit: Unknown  
Filed: March 26, 2001 )  
For: Temporary Sign System )

**RECEIVED**

AUG 14 2002

**OFFICE OF PETITIONS**

**AFFIDAVIT OF PATRICIA ALEXANDER  
IN SUPPORT OF THE PETITION UNDER 37 CFR SECTION 1.47**

Patricia Alexander, first being duly sworn, deposes and says:

1. I am the Administrative Assistant to L. Kenneth Alexander, one of the inventors for the invention disclosed and claimed in the above-captioned application.
2. Pursuant to the instructions of L. Kenneth Alexander and patent attorney Timothy D. St. Clair I contacted Lamar Merck by telephone on November 29, 2001. I understand that Mr. Merck is one of the co-inventors of the invention disclosed and claimed in the above-captioned application. I spoke with Mr. Merck directly, inquiring as to whether he had received the patent application papers and oath/declaration. He advised that he had. I further asked whether he would sign the oath/declaration and return it to Mr. St. Clair. Mr. Merck responded that he refused to sign the oath/declaration and, regarding the patent application, "he wants nothing

to do with it." I advised Mr. Merck that Ken Alexander intended to further pursue the patent application, and asked Mr. Merck if he would simply sign the oath/declaration; he refused.

3. At the instruction of Ken Alexander and patent attorney Timothy D. St. Clair, over the course of the last few days I have left multiple telephone messages for Mr. Ricky Holder, to inquire of him whether he would sign the oath/declaration for the above-captioned patent application. Mr. Holder never returned any of my telephone messages. I telephoned him again on December 4, 2001, and spoke with him by telephone. He advised that he refused to sign the oath/declaration. One of the reasons given by Mr. Holder for refusing to sign was his understanding that, "its already been filed once and ought not be filed again." I was also told by Mr. Holder that he had retained a lawyer, who advised him, for reasons unknown to me, not to sign the oath/declaration.
4. All of my attempts to have Mr. Merck and/or Mr. Holder sign the oath/declaration have been refused.

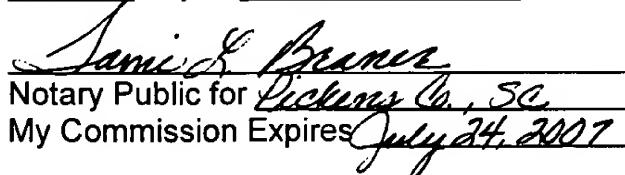
Further, Affiant sayeth not.



Patricia Alexander

Dated: Dec. 5, 2001

Sworn to and subscribed before me this  
5 day of December, 2001.



Jamie L. Bremer  
Notary Public for Lickens Co., SC  
My Commission Expires July 24, 2007



In Re-application: ) Examiner: Unknown  
Ricky T. Holder )  
Serial No: 09/817,779 ) Art Unit: Unknown  
Filed: March 26, 2001 )  
For: Temporary Sign System )

**RECEIVED**

AUG 14 2002

**OFFICE OF PETITIONS**

**AFFIDAVIT OF TIMOTHY D. ST. CLAIR  
IN SUPPORT OF THE PETITION UNDER 37 CFR SECTION 1.47**

Timothy D. St. Clair, first being duly sworn, deposes and says:

1. I am currently a Patent Attorney with the law firm of Dority & Manning, P. A. My registration number is 48,316.
2. My law firm initially was retained by A & M Cleaning Products, Inc. to prepare, file, and prosecute a patent application entitled "Temporary Sign System," having official serial number 09/817,779. Our contact person with A & M Cleaning Products was the Chief Financial Officer, Gerald McCormick. Most initial communications regarding this patent application were directed by us to Mr. McCormick.
3. The application papers initially prepared and filed for this patent listed, without deceptive intent, only Ricky T. Holder as the inventor. I have since come to understand, by telephone communication on September 13, 2001, that not only Ricky T. Holder, but also L. Kenneth Alexander and

Lamar Merck, were the proper co-inventors of the Temporary Sign System.

4. Ricky T. Holder, L. Kenneth Alexander, and Lamar Merck are currently, or were at pertinent times, employees or business associates of A & M Cleaning Products, Inc. Because of such association, the Chief Financial Officer of A & M Cleaning Products, Gerald McCormick, had ordinary and frequent access to and communication with L. Kenneth Alexander, Ricky T. Holder, and Lamar Merck.
5. The originally-filed application papers, including the specification, claims, and all drawings, were forwarded to Gerald McCormick for his assistance in having the inventors review the application papers.
6. By letter dated October 23, 2001 (copy, with its two enclosures, attached as Exhibit A), I wrote to L. Kenneth Alexander and to Gerald McCormick on behalf of Ricky T. Holder and Lamar Merck, requesting execution and completion of a Declaration.
7. By letter dated November 21, 2001 (copy, with its attachments, attached as Exhibit B), I mailed to L. Kenneth Alexander, Ricky T. Holder, and Lamar Merck a revised Declaration. This letter was sent by Certified Mail. Copies of the return receipts for the Certified Mail are attached hereto as Exhibits C through F. This November 21, 2001 letter was mailed to the last known addresses for Lamar Merck and Ricky T. Holder. Such last known addresses are as follows:

Lamar Merck  
P. O. Box 305  
Six Mile, SC 29682

Ricky T. Holder  
115 Hughes St.  
Seneca, SC 29672

8. I have also been in communication with Patricia Alexander, who is the Administrative Assistant of L. Kenneth Alexander. Ms. Alexander advised me by telephone communication on November 29, 2001 that, on my behalf, she had contacted Lamar Merck regarding execution of the Declaration, and that Mr. Merck had replied that he was no longer interested in pursuing the patent application and that he would not sign the Declaration. I had further communication with Ms. Alexander on December 4, 2001. During that telephone conversation, Ms. Alexander advised that Lamar Merck had told her that he "wanted nothing to do with" pursuit of the patent application. She further advised that Ricky T. Holder had said he had retained the services of an attorney-at-law. She further advised that Mr. Holder refused to sign the Declaration.
9. By letters dated December 4, 2001, I mailed to Ricky T. Holder (in care of his attorney) and Lamar Merck entire copies of the application papers, including the specification, claims, and all drawings, along with a copy of the unsigned Declaration. Copies of these letters are attached as Exhibits G and H.
10. This Affidavit is being executed on December 7, 2001. To date, Ricky T. Holder and Lamar Merck have refused to join in the application or to sign

the Declaration, and all attempts by me and those on my behalf to have them sign the Declaration have been refused.

11. It is respectfully submitted that a bona fide attempt has been made to present a copy of the application papers, including the specification, claims, drawings, and Oath or Declaration to Lamar Merck and Ricky T. Holder, but the same have refused to sign the Declaration.
12. Should any questions arise with respect to this Affidavit, the undersigned may be reached at (864) 271-1592.

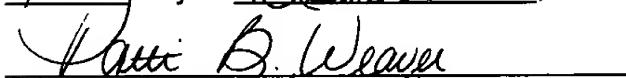
Further, Affiant sayeth not.



\_\_\_\_\_  
Timothy D. St. Clair

Dated: 12/7/2001

Sworn to and subscribed before me this  
7th day of December, 2001.



\_\_\_\_\_  
Patti B. Weaver  
Notary Public for South Carolina  
My Commission Expires August 12, 2007

WELLINGTON M. MANNING, JR.  
JULIAN W. DORITY  
JAMES M. BAGARAZZI  
RICHARD M. MOOSE  
STEPHEN E. BONDURA  
TIMOTHY A. CASSIDY  
JEFFREY M. KARMILOVICH  
FRANCES BARNES ELLIOTT  
J. BENNETT MULLINAX  
TIM F. WILLIAMS  
JOHN E. VICK, JR.  
JASON W. JOHNSTON  
CHARLES R. DUCKER, JR.\*  
NEAL P. PIEROTTI  
BERNARD S. KLOSOWSKI, JR.†  
TIMOTHY D. ST. CLAIR  
WILLIAM M. SIMMONS

\*ALABAMA ONLY  
†MARYLAND ONLY

**DORITY & MANNING**  
ATTORNEYS AT LAW, P.A.

ONE LIBERTY SQUARE  
55 BEATTIE PLACE, SUITE 1600  
GREENVILLE, SC 29601 USA

TELEPHONE (864) 271-1592  
FACSIMILE (864) 233-7342  
[www.dority-manning.com](http://www.dority-manning.com)

PATENTS, TRADEMARKS,  
COPYRIGHTS & RELATED LITIGATION

MAILING ADDRESS  
P.O. BOX 1449  
GREENVILLE, SC 29602 USA

October 23, 2001

Mr. Ken Alexander  
Mr. Gerald McCormick  
A&M Cleaning Products  
Post Office Box 1731  
Clemson, SC 29633

Re: Temporary Sign System  
Our File: AAM-3  
Application Number: 09/817,779

Dear Gentlemen:

We have one more requirement that must be met for an effective filing of the referenced patent application. Specifically, the three inventors of this invention need to complete a Declaration. I have enclosed one with this letter. You will see that it consists of three pages. Although the first two pages include a number of "blanks", nothing more needs to be added to those two pages. Instead, the attention of Messrs. Alexander, Holder, and Merck needs to be on the third page: each needs to sign where indicated, date his signature, and specify his residence, citizenship, and post office address.

As I have indicated in prior correspondence, I am counting November 7 as our deadline for filing this document with the patent office. I cannot over-emphasize the fact that, if the Declaration is not timely filed with the Patent Office, our application will be deemed abandoned.

I note also that Mr. Alexander has indicated and discussed with me before correction of inventorship, so as to list not only himself but also Messrs. Holder and Merck as inventors of this invention. By completing and filing this Declaration with the PTO; this change will be effectuated.

For completion, I am also sending to you with this letter another document, entitled "Assignment." By this instrument, all rights and ownership of the invention will be passed from the three individual inventors to A & M Cleaning Products. You will note that each of the three inventors needs to complete his

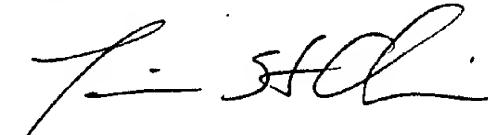
Mr. Ken Alexander  
Mr. Gerald McCormick  
Page 2 of 2  
October 23, 2001

residency information at the top of the first page, and thereafter sign and date near the end of the document in the presence of a Notary. It is not as critical that I receive this Assignment form by November 7, but use this letter as the occasion for forwarding this instrument along to you as well.

Please let me know if you have any questions regarding the foregoing. If not, I look forward to receiving back from you shortly the completed Declaration.

Yours very truly,

DORITY & MANNING, P.A.



Timothy D. St. Clair

TDS/pbw

Enclosure (as stated)

**COMBINED DECLARATION FOR PATENT APPLICATION  
AND POWER OF ATTORNEY**  
(includes reference to PCT International Applications)

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Temporary Sign System

the specification of which

( ) is attached hereto.  
 was filed on March 26, 2001 as  
Application Serial No. 09/817,779,  
and was amended on \_\_\_\_\_  
(if applicable)  
( ) was filed as PCT International Application No. \_\_\_\_\_ on  
\_\_\_\_\_ and was amended under PCT Article 19 on  
\_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America having a filing date before that of the application on which priority is claimed:

Prior Foreign/PCT Application(s)  
(if PCT, indicate "PCT" under Country)

Priority Claimed

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	( )	( )
			Yes	No
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	( )	( )
			Yes	No

I hereby claim the benefit under Title 35, United States Code Section 120 and/or 119 of any United States application(s) or PCT International Application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulation, Section 1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No. or PCT Application No. (and any assigned USSN)</u>	<u>U.S. or PCT Filing Date</u>	<u>Status -- Patented Pending, or Abandoned</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**POWER OF ATTORNEY:** As a named Inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Wellington M. Manning, Jr.	Registration No. 22,376
Julian W. Dority	Registration No. 20,268
James M. Bagarazzi	Registration No. 29,609
Richard M. Moose	Registration No. 31,226
Stephen E. Bondura	Registration No. 35,070
Timothy A. Cassidy	Registration No. 38,024
Jeffrey M. Karmilovich	Registration No. 35,915
Frances Barnes Elliott	Registration No. 41,598
J. Bennett Mullinax	Registration No. 36,221
John E. Vick, Jr.	Registration No. 33,808
Jason W. Johnston	Registration No. 45,675
Tim F. Williams	Registration No. 47,178
Charles R. Ducker, Jr.	Registration No. 46,542
Neal P. Pierotti	Registration No. 45,716
Bernard S. Klosowski, Jr.	Registration No. 47,710
Timothy D. St. Clair	Registration No. 48,316

**Send Correspondence to:**  
Attorney: Timothy D. St. Clair  
Dority & Manning, P.A.  
Post Office Box 1449  
Greenville, South Carolina 29602-1449

**Direct Telephone Calls to:**  
Attorney: Timothy D. St. Clair  
Telephone: 864-271-1592  
Facsimile: 864-233-7342

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

---

Luther Kenneth Alexander

Inventor's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

---

Ricky T. Holder

Second Inventor's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

---

Lamar Merck

Third Inventor's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

ASSIGNMENT

**WHEREAS, WE,** Ricky T. Holder, a citizen of the United States residing at \_\_\_\_\_  
\_\_\_\_\_, and Luther Kenneth Alexander, a citizen of the United States residing at \_\_\_\_\_  
\_\_\_\_\_, and Lamar Merck, a citizen of the United States residing at \_\_\_\_\_  
\_\_\_\_\_, (hereinafter  
referenced together as ASSIGNORS), have jointly invented a certain new and useful invention  
entitled "Temporary Sign System" as described in a patent application for U. S. Letters Patent,  
which was filed in the United States Patent and Trademark Office on March 26, 2001 as  
Application Serial No. 09/817,779;

**AND WHEREAS,** A&M Cleaning Products, Inc., Post Office Box 1731, Clemson,  
South Carolina 29633, (hereinafter ASSIGNEE), a corporation duly organized and existing  
under the laws of the State of South Carolina, United States of America, is desirous of acquiring  
an interest therein;

**NOW, THEREFORE,** in consideration of One Dollar (\$1.00) and other good and  
valuable consideration the receipt and sufficiency of which are hereby acknowledged, WE, the  
said ASSIGNORS, by these presents do sell, assign and transfer unto the said ASSIGNEE, its  
successors, assigns and legal representatives, the full and exclusive right, title and interest to the  
said invention in the United States and all foreign countries, as described in the aforesaid  
application, together with the right of priority under the International Convention for the  
Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and  
Industrial Models, and any other international agreements to which the United States of America

adheres, and WE hereby authorize and request the Commissioner of Patents to record transfer of said Letters of Patent to the said ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives.

And WE hereby agree to transfer a like interest, upon the request of the ASSIGNEE, its successors, assigns and legal representatives; and without further remuneration, in and to any improvements, and applications for patent based thereon, growing out of or related to the said invention; and to execute any papers by the said ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

Agreeing furthermore, upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

This Assignment executed on the date indicated below.

Date: \_\_\_\_\_

Ricky T. Holder

STATE OF \_\_\_\_\_ )  
                    ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, appeared before me Ricky T. Holder, to me identified as the individual referred to in the foregoing instrument, and he acknowledged to me that he executed same as his free act and deed for the uses and purposes therein set forth.

[SEAL]

NOTARY PUBLIC FOR: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

---

Date: \_\_\_\_\_ Luther Kenneth Alexander

STATE OF \_\_\_\_\_ )  
                    ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, appeared before me Luther Kenneth Alexander, to me identified as the individual referred to in the foregoing instrument, and he acknowledged to me that he executed same as his free act and deed for the uses and purposes therein set forth.

[SEAL]

NOTARY PUBLIC FOR: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

---

Date: \_\_\_\_\_ Lamar Merck

STATE OF \_\_\_\_\_ )  
                    ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, appeared before me Lamar Merck, to me identified as the individual referred to in the foregoing instrument, and he acknowledged to me that he executed same as his free act and deed for the uses and purposes therein set forth.

[SEAL]

NOTARY PUBLIC FOR: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

WELLINGTON M. MANNING, JR.  
JULIAN W. DORITY  
JAMES M. BAGARAZZI  
RICHARD M. MOOSE  
STEPHEN E. BONDURA  
TIMOTHY A. CASSIDY  
JEFFREY M. KARMILOVICH  
FRANCES BARNES ELLIOTT  
J. BENNETT MULLINAX  
TIM F. WILLIAMS  
JOHN E. VICK, JR.  
JASON W. JOHNSTON  
CHARLES R. DUCKER, JR.\*  
NEAL P. PIEROTTI  
BERNARD S. KLOSOWSKI, JR.  
TIMOTHY D. ST. CLAIR  
WILLIAM M. SIMMONS  
STEVEN R. LE BLANC  
DAVID M. SIGMON

\*ALABAMA ONLY

**DORITY & MANNING**  
ATTORNEYS AT LAW, P.A.

ONE LIBERTY SQUARE  
55 BEATTIE PLACE, SUITE 1600  
GREENVILLE, SC 29601 USA  
—  
TELEPHONE (864) 271-1592  
FACSIMILE (864) 233-7342  
[www.dority-manning.com](http://www.dority-manning.com)

PATENTS, TRADEMARKS,  
COPYRIGHTS & RELATED LITIGATION

MAILING ADDRESS  
P.O. BOX 1449  
GREENVILLE, SC 29602 USA

November 21, 2001

**VIA CERTIFIED MAIL**

Mr. Ken Alexander  
9434 Arvin Hill Road  
Aubrey, Texas 76227

Mr. Ricky Holder  
115 Hughes Street  
Seneca, South Carolina 29672

Mr. Lamar Merck  
Post Office Box 305  
Six Mile, South Carolina 29682

Re: Temporary Sign System  
Our File: AAM-3  
Application Number: 09/817,779

Dear Gentlemen:

This law firm was retained to prosecute a United States patent application for the Temporary Sign System, of which we understand you three to be the inventors. We had been retained by A & M Cleaning Products. That patent application was filed last spring, and remains pending. Additional steps must be taken if the application is to be pursued with the hopes of securing a patent.

However, we were instructed this week by A & M Cleaning Products that A & M no longer wishes to pursue this patent application.

As noted, this application has already been filed. If no further steps are taken on your behalf, the application will be deemed "abandoned" and, in most circumstances, cannot later be revived. Specifically, our next step with this application is to file a declaration. This declaration absolutely must be filed with

Mr. Ken Alexander  
Mr. Ricky Holder  
Mr. Lamar Merck  
Page 2 of 3  
November 21, 2001

the United States Patent and Trademark Office ("USPTO") on or before December 7, 2001. Please note that that date is roughly two weeks from now. With the declaration, we also must pay to the USPTO filing surcharges and extension fees. These costs total roughly \$1,200.00.

I therefore write to advise you of these circumstances and to further advise that, if this patent application is to be further pursued, I need to secure from you an executed declaration and funds in the amount of \$1,200.00. As to the declaration, I enclose with each copy of this letter a full copy of the declaration. Two previous versions of this declaration have already been prepared and you may have seen them. Please disregard such prior declarations, as I have again altered the declaration to meet the circumstances presently existing in the file. Specifically, I have indicated on page 3, 4, and 5 separate signature lines for each of you, along with other information required by the USPTO.

To pursue this application further, I need to receive back from all of you by December 7 your respective page. That is to say, Mr. Alexander must return to me page 3, Mr. Holder must return to me page 4, and Mr. Merck must return to me page 5, and each of those pages needs to include your signature, the date you signed it, your residence, your citizenship, and your post office address.

I would advise further that, should one of you wish to further pursue this application, but not all of you, steps can potentially be undertaken without the signatures of all three of you. However, those steps require time to complete, and we must know of such desires sufficiently in advance to undertake those steps.

On the other hand, it may be that you do not want to further pursue the application. To that end, you will note at the bottom of this letter that I have left a space by which you can instruct me that you, individually, do not wish to pursue the application.

I have also enclosed with this letter a self addressed, stamped envelope for your return to me either of your respective signature page to the declaration or of your desire not to participate further with the application. I would appreciate receiving back from you as soon as possible one or the other, in the enclosed envelope.

Finally, by copy of this letter to Gerald McCormick of A & M Cleaning Services, I am advising him of this communication. If I have misunderstood the

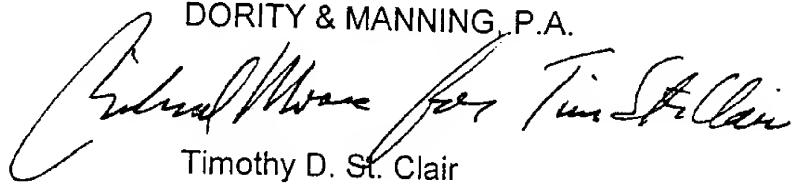
Mr. Ken Alexander  
Mr. Ricky Holder  
Mr. Lamar Merck  
Page 3 of 3  
November 21, 2001

instructions from A & M in any regard, I ask that he correct my misunderstanding as soon as possible.

Hopefully, the foregoing is self-explanatory. However, if I can answer any unaddressed questions or provide any additional information, do not hesitate to contact me.

Yours very truly,

DORITY & MANNING, P.A.



A handwritten signature in black ink that reads "Edward Moore for Tim St. Clair". Below the signature, the name "Timothy D. St. Clair" is printed in a smaller, sans-serif font.

Timothy D. St. Clair

TDS/pbw

Enclosure (as stated)

cc: Gerald McCormick

If abandonment is desired, please return this page signed and dated below:

Please undertake no further action on this application and permit it to become abandoned:

\_\_\_\_\_  
Ken Alexander

Date: \_\_\_\_\_

\_\_\_\_\_  
Ricky Holder

Date: \_\_\_\_\_

\_\_\_\_\_  
Lamar Merck

Date: \_\_\_\_\_

**COMBINED DECLARATION FOR PATENT APPLICATION  
AND POWER OF ATTORNEY**  
(includes reference to PCT International Applications)

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Temporary Sign System

the specification of which

( ) is attached hereto.

(X) was filed on March 26, 2001 as

Application Serial No. 09/817,779,  
and was amended on \_\_\_\_\_.

( ) was filed as PCT International Application No. \_\_\_\_\_ on \_\_\_\_\_ (if applicable)

and was amended under PCT Article 19 on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America having a filing date before that of the application on which priority is claimed:

Prior Foreign/PCT Application(s)  
(if PCT, indicate "PCT" under Country)

Priority Claimed

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<input type="checkbox"/>	<input type="checkbox"/>
---------------	----------------	-----------------------------	--------------------------	--------------------------

Yes      No

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<input type="checkbox"/>	<input type="checkbox"/>
---------------	----------------	-----------------------------	--------------------------	--------------------------

Yes      No

I hereby claim the benefit under Title 35, United States Code Section 120 and/or 119 of any United States application(s) or PCT International Application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulation, Section 1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u> <u>or PCT Application No.</u> <u>(and any assigned USSN)</u>	<u>U.S. or PCT</u> <u>Filing Date</u>	<u>Status -- Patented</u> <u>Pending, or Abandoned</u>

**POWER OF ATTORNEY:** As a named Inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Wellington M. Manning, Jr.	Registration No. 22,376
Julian W. Dority	Registration No. 20,268
James M. Bagarazzi	Registration No. 29,609
Richard M. Moose	Registration No. 31,226
Stephen E. Bondura	Registration No. 35,070
Timothy A. Cassidy	Registration No. 38,024
Jeffrey M. Karmilovich	Registration No. 35,915
Frances Barnes Elliott	Registration No. 41,598
J. Bennett Mullinax	Registration No. 36,221
John E. Vick, Jr.	Registration No. 33,808
Jason W. Johnston	Registration No. 45,675
Tim F. Williams	Registration No. 47,178
Charles R. Ducker, Jr.	Registration No. 46,542
Neal P. Pierotti	Registration No. 45,716
Bernard S. Klosowski, Jr.	Registration No. 47,710
Timothy D. St. Clair	Registration No. 48,316
Steven R. LeBlanc	Registration No. 47,740

**Send Correspondence to:**

Attorney: Timothy D. St. Clair  
Dority & Manning, P.A.  
Post Office Box 1449  
Greenville, South Carolina 29602-1449

**Direct Telephone Calls to:**

Attorney: Timothy D. St. Clair  
Telephone: 864-271-1592  
Facsimile: 864-233-7342

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

---

Luther Kenneth Alexander

Inventor's Signature: \_\_\_\_\_

Date \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_  

---

(signatures continuing on following pages)

Ricky T. Holder

Second Inventor's Signature: \_\_\_\_\_

Date

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_  
\_\_\_\_\_

(signatures continuing on following page)

Lamar Merck

Third Inventor's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Residence: \_\_\_\_\_ Date \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Ken Alexander  
9434 Arvin Hill Road  
Aubrey, Texas 76227

AAM-3

## 2. Article Number

(Transfer from service label)

7001 1140 0000 6154 2497

**COMPLETE THIS SECTION ON DELIVERY**

## A. Received by (Please Print Clearly)

Evie Silver

## B. Date of Delivery

11-27-01

## C. Signature

X Evie Silver

 Agent AddresseeD. Is delivery address different from item 1?  YesIf YES, enter delivery address below:  No

## 3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

## 4. Restricted Delivery? (Extra Fee)

 Yes

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Ricky Holder  
115 Hughes St.  
Seneca, SC 29672

AAM-3

**2. Article Number***(Transfer from service label)*

7001 1140 0000 6154 2503

**COMPLETE THIS SECTION ON DELIVERY****A. Received by (Please Print early)** **B. Date of Delivery****C. Signature****X****D. Is delivery address different from item 1?**  Yes

If YES, enter delivery address below:

 No**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

**4. Restricted Delivery? (Extra Fee)**  Yes

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, & 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Lamar Merck  
P. O. Box 305  
Six Mile, SC 29682

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

RJ  
*Antonia J. Merck*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

**3. Service Type**

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**2. Article Number**

(Transfer from service label)

7001 1140 0000 6154 2480

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, & 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Gerald McCormick  
A & M Cleaning Products  
P. O. Box 1731  
Clemson, SC 29633

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)      B. Date of Delivery

C. Signature

X Sherry Rogers  Agent  
 Addressee

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below.  No

**3. Service Type**

Certified Mail     Express Mail  
 Registered     Return Receipt for Merchandise  
 Insured Mail     C.O.D.

**4. Restricted Delivery? (Extra Fee)**

Yes

**2. Article Number:**

(Transfer from service label)

7001 1140 0000 6154 1063

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

WELLINGTON M. MANNING, JR.  
JULIAN W. DORITY  
JAMES M. BAGARAZZI  
RICHARD M. MOOSE  
STEPHEN E. BONDURA  
TIMOTHY A. CASSIDY  
JEFFREY M. KARMILOVICH  
FRANCES BARNES ELLIOTT  
J. BENNETT MULLINAX  
TIM F. WILLIAMS  
JOHN E. VICK, JR.  
JASON W. JOHNSTON  
CHARLES R. DUCKER, JR.\*  
NEAL P. PIEROTTI  
BERNARD S. KLOSOWSKI, JR.  
TIMOTHY D. ST. CLAIR  
WILLIAM M. SIMMONS  
STEVEN R. LE BLANC  
DAVID M. SIGMON

\*ALABAMA ONLY

DORITY & MANNING  
ATTORNEYS AT LAW, P.A.

ONE LIBERTY SQUARE  
55 BEATTIE PLACE, SUITE 1600  
GREENVILLE, SC 29601 USA

TELEPHONE (864) 271-1592  
FACSIMILE (864) 233-7342  
[www.dority-manning.com](http://www.dority-manning.com)

PATENTS, TRADEMARKS,  
COPYRIGHTS & RELATED LITIGATION

MAILING ADDRESS  
P.O. BOX 1449  
GREENVILLE, SC 29602 USA

December 4, 2001

VIA FACSIMILE AND REGULAR MAIL (864) 859-8848

Mr. Brian James, Esquire  
Post Office Box 93  
Easley, South Carolina 29641

RE: The Temporary Sign System  
Our Ref: AAM-3

Dear Mr. James:

I learned today that Ricky T. Holder has retained you as his attorney; I write to you in that capacity regarding the referenced patent application.

This law firm initially was retained by A & M Cleaning Products to pursue a patent application for an invention known as The Temporary Sign System. The application, including specification, claims, and drawings, were filed with the United States Patent and Trademark office last spring. Subsequently, we filed the filing fee, along with corrected drawings.

Proper and necessary prosecution of this patent application requires that an oath/declaration be filed regarding the application. The absolute final deadline for filing such an oath/declaration is Friday, December 7. If it is not filed by then, this application may later be deemed abandoned.

When this application was initially filed, we had understood that Mr. Holder was the only inventor. After filing, we subsequently learned that Ken Alexander and Lamar Merck also were co-inventors with Mr. Holder. The patent laws require that all inventors of an invention be identified, so we need to correct this mistake. This mistake was made without any deceptive intent; Gerald McCormick, the chief financial officer with A & M simply misunderstood my earlier inquiries to him regarding inventorship. Fortunately, the Patent Office allows this sort of mistake to be corrected when we file the oath/declaration – if we list all

Mr. Brian James  
Page 2 of 2  
December 4, 2001

three inventors with the oath/declaration, the patent office hereafter will list all three individuals as the co-inventors.

Recently, A & M advised that it no longer wished to pursue prosecution of this patent application. However, Ken Alexander has advised that he wishes us to continue with the prosecution. For that reason, we intend to file an oath/declaration with the Patent Office on Friday. If the oath/declaration has been executed by all three inventors, such will be sufficient to satisfy the current requirements of the Patent Office. However, if the oath/declaration does not include all three signatures, we will also file a petition to the Patent Office that contends that one or more of the co-inventors refuses to sign the oath/declaration.

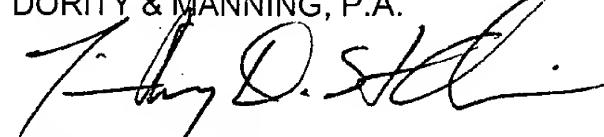
My understanding is that Mr. Holder currently refuses to sign the oath/declaration. I understand that part of his reason for refusing is a business disagreement between him and others associated with A & M Cleaning Products. I further understand, though, that you may have indicated to him that any filing now is improper because the original patent application was filed last Spring. I urge to you that what we contemplate filing is not a second patent application on the same invention, but instead an oath/declaration for the original application, and that doing so is not improper.

If Mr. Holder continues to refuse to sign the oath/declaration, such is his prerogative and we will proceed as outlined above. However, I wanted to take the opportunity of this letter to outline the situation so that it is fully understood. Mr. Holder has also already seen the patent application, but nevertheless I forward to you with this letter another copy of the application (including specification, claims, and drawings) for your reference. Finally, I forward another copy of the oath/declaration.

I would appreciate the courtesy of your advices whether Mr. Holder continues to sign the oath/declaration. Of course, I invite you to contact me if I can answer any unanswered questions or provide any additional information.

Yours very truly,

DORITY & MANNING, P.A.



Timothy D. St. Clair

TDS/pbw

Enclosures (as stated)

WELLINGTON M. MANNING, JR.  
JULIAN W. DORITY  
JAMES M. BAGARAZZI  
RICHARD M. MOOSE  
STEPHEN E. BONDURA  
TIMOTHY A. CASSIDY  
JEFFREY M. KARMILOVICH  
FRANCES BARNES ELLIOTT  
J. BENNETT MULLINAX  
TIM F. WILLIAMS  
JOHN E. VICK, JR.  
JASON W. JOHNSTON  
CHARLES R. DUCKER, JR.  
NEAL P. PIEROTTI  
BERNARD S. KLOSOWSKI, JR.  
TIMOTHY D. ST. CLAIR  
WILLIAM M. SIMMONS  
STEVEN R. LE BLANC  
DAVID M. SIGMON

\*ALABAMA ONLY

**DORITY & MANNING**  
ATTORNEYS AT LAW, P.A.

ONE LIBERTY SQUARE  
55 BEATTIE PLACE, SUITE 1600  
GREENVILLE, SC 29601 USA  
—  
TELEPHONE (864) 271-1592  
FACSIMILE (864) 233-7342  
[www.dority-manning.com](http://www.dority-manning.com)

PATENTS, TRADEMARKS,  
COPYRIGHTS & RELATED LITIGATION

MAILING ADDRESS  
P.O. BOX 1449  
GREENVILLE, SC 29602 USA

December 4, 2001

**VIA FEDERAL EXPRESS**

Mr. Lamar Merck  
257 Powder Mill Road  
Central, South Carolina 29630-9542

RE: The Temporary Sign System  
Our Ref: AAM-3

Dear Mr. Merck:

This law firm initially was retained by A & M Cleaning Products to pursue a patent application for an invention known as The Temporary Sign System. The application, including specification, claims, and drawings, were filed with the United States Patent and Trademark office last Spring. Subsequently, we filed the filing fee, along with corrected drawings.

Proper and necessary prosecution of this patent application requires that an oath/declaration be filed regarding the application. The absolute final deadline for filing such an oath/declaration is Friday, December 7. If it is not filed by then, this application may later be deemed abandoned.

When this application was initially filed, we had understood that Ricky Holder was the only inventor. After filing, we subsequently learned that Ken Alexander and you also were co-inventors with Mr. Holder. The patent laws require that all inventors of an invention be identified, so we need to correct this mistake. This mistake was made without any deceptive intent; Gerald McCormick, the chief financial officer with A & M, simply misunderstood my earlier inquiries to him regarding inventorship. Fortunately, the Patent Office allows this sort of mistake to be corrected when we file the oath/declaration – if we list all three inventors with the oath/declaration, the Patent Office hereafter will list all three individuals as the co-inventors.

Mr. Lamar Merck  
Page 2 of 2  
December 4, 2001

Recently, A & M advised that it no longer wished to pursue prosecution of this patent application. However, Ken Alexander has advised that he wishes us to continue with the prosecution.

All of the foregoing leads to this point. We intend to file an oath/declaration with the Patent Office on Friday. If the oath/declaration has been executed by all three inventors, such will be sufficient to satisfy the current requirements of the Patent Office. However, if the oath/declaration does not include all three signatures, we will also file a petition to the Patent Office that contends that one or more of the co-inventors refuses to sign the oath/declaration. Either path is acceptable.

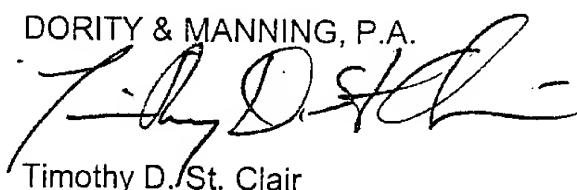
My understanding is that you currently refuse to sign the oath/declaration.

If you continue to refuse to sign the oath/declaration, such is your prerogative and we will proceed as outlined above. However, I wanted to take the opportunity of this last letter to outline the situation so that it is fully understood. Also, I enclosed for your reference another copy of the application (including specification, claims, and drawings) along with another copy of the Declaration.

I would appreciate you letting me know of your intentions regarding signing the oath/declaration. Of course, I invite you to contact me if I can answer any unanswered questions or provide any additional information.

Yours very truly,

DORITY & MANNING, P.A.



Timothy D. St. Clair

TDS/pbw

Enclosures (as stated)

**EXPRESS MAIL CERTIFICATE OF MAILING**

In re Application of: Ricky T. Holder

Entitled: Temporary Sign System

Serial No: 09/817,779

Filing Date: March 26, 2001

Attorney Ref: AAM-3

"Express Mail" - Mailing Label Number EL858982882 US

Date of Deposit December 7, 2001

I hereby certify that this paper and all attachments and any fee are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the United States Patent and Trademark Office, 2900 Crystal Drive, Arlington, VA 22202-3513.

Patti B. Weaver

(Typed or printed name of person mailing paper or fee)

Patti B. Weaver

(Signature of person mailing paper or fee)